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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

11 JOSEPH ROBINSON, No. 2:20-CV-1189-DMC  
12 Plaintiff,  
13 v. ORDER  
14 KENNETH BRYANT,  
15 Defendant.

17 Plaintiff, who is proceeding pro se, brings this civil action. Pursuant to the written  
18 consent of all parties, this case is before the undersigned as the presiding judge for all purposes,  
19 including entry of final judgment. See 28 U.S.C. § 636(c); see also ECF No. 25 (District Judge  
20 order reassigning action). Pending before the Court are Plaintiff's motion for sanctions, ECF No.  
21 18, and motion for default judgment, ECF No. 19.

22 In his motion for sanctions, Plaintiff contends sanctions should be imposed on  
23 Defendant's counsel for filing a motion to dismiss despite the Court's screening order finding  
24 that the complaint appears to state cognizable claims. In his motion for default judgment,  
25 Plaintiff similarly contends that Defendant is in default for failing to answer the complaint and  
26 instead filing a motion to dismiss Plaintiff's claims, which claims were allegedly rendered  
27 "moot" by the Court screening order.

Because a screening order, determining an action appears appropriate for service,

1 does not preclude a motion to dismiss, and because Defendant's motion to dismiss was timely  
2 filed, Plaintiff's motions are denied.

3 IT IS SO ORDERED.

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5 Dated: January 7, 2021

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DENNIS M. COTA  
UNITED STATES MAGISTRATE JUDGE